

REMARKS

Reconsideration of this application in view of the above amendments and the remarks below is respectfully requested. Claims 1, 9, 13, 15, 21, and 29 have been amended. Claims 5, 17, 25, and 33 have been canceled. Claims 37 and 38 are newly added. Support for Claim 37 can be found at least within paragraph [0040] of applicant's specification. Support for Claim 38 can be found at least within paragraph [0039] of applicant's specification. No new matter has been added. Thus, Claims 1-4, 7-16, 18-24, 27-32, and 35-38 are pending in the application.

Claim 15 was objected to (Office Action, Page 2, Section 1). In response, Claim 15 was amended.

Claims 1-5, 7-25, 27-33, 35, and 36 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,874,099 to Balasubramanian (Office Action, Pages 2-6, Sections 2-3).

These rejections appear to be based on an oversimplification of Applicant's invention. For example, the claimed steps of aggregating, and also the claimed data aggregation engine, are not shown or suggested by any portion of Balasubramanian. The portions of Balasubramanian relied upon by the Office Action describes logging test data for future analysis, and use of an LDAP-compliant directory. However, nowhere in Balasubramanian is there any suggestion of taking the logged test data, in whatever format, and does not address taking that logged data, evaluating it, and formulating a corrective action, as claimed.

Additionally, Claims 1, 9, 13, 15, 21, and 29 have been amended to incorporate the language of Claims 5, 17, 25, and 33, and these claims have been cancelled. In rejecting Claim 5, the Office Action relies upon Balasubramanian's system being modifiable, upgradeable, and expandable (Office Action, Page 3, 3rd paragraph from bottom) to anticipate the claimed step of "detecting modifications to the network and automatically modifying the queries to match the

modifications". There is a significant difference between a system "being modifiable" and the claimed "detecting . . . and automatically modifying". Also, Applicant claims automatically modifying queries based on modifications to the network, while Balasubramanian does not discuss modifying *queries* whatsoever, and instead only suggest that the *system* of Balasubramanian *could be* modified. As stated, the difference is significant. Accordingly, these assertions are not sufficient to satisfy the requirements for anticipation under 35 USC § 102.

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application. Additionally, accompanying the Response is an Applicant-Initiated Interview Request Form. Acknowledgement of this Form is respectfully requested.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

/christophermtanner#41518/

Date: November 29, 2007

Christopher M. Tanner
Reg. No. 41,518

2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
Telephone: (408) 414-1238
Facsimile: (408) 414-1076